

From: Keith Ingram
To: Esperanza Andrade; Coby Shorter; Richard Parsons; Wroe Jackson
Sent: 7/18/2012 12:44:12 PM
Subject: FW: Puerto Rico's Voter Identification Card
Attachments: Amicus Brief in support of Voter ID laws presented by TX, AL, CO, FL, HI, MI, NE, PR and SD AGs in Marion Cty v. Crawford.pdf; PSP, PPD, PIP v. Romero Barcelo, 110 DPR 248 (Oct. 27, 1980) .doc; PUERTO RICO VOTER IDENTIFICATION CARD001.pdf

From Puerto Rico

From: Hamed G. Santaella Carlo [mailto:hsantaella@cee.gobierno.pr]
Sent: Tuesday, July 17, 2012 6:55 PM
To: Keith Ingram
Cc: Héctor J. Conty Pérez
Subject: Puerto Rico's Voter Identification Card
Importance: High

Keith Ingram
Director
Elections Division
Office of the Secretary of State
The State of Texas



Re: Puerto Rico's Voter Identification Card

Esteemed Mr. Ingram:

It was a pleasure meeting you and Texas Secretary of State, Honorable Hope Andrade during the NASS 2012 Summer Conferences.

Please find enclosed:

- A copy of the Puerto Rico Supreme Court case that upheld the constitutionality of the Voter Identification Card that was incorporated to the Puerto Rico Election process for the 1980 elections as a mechanism to prevent voter fraud, *PSP, PPD, PIP v. Romero Barceló, 110 DPR 248 (Oct. 27, 1980)*; Please accept my apologies, but case is in Spanish.
- *Amicus Brief* filed in the Supreme Court of the U.S. in support of Voter ID laws presented by TX, AL, CO, FL, HI, MI, NE, PR and SD Attorney Generals in *Crawford v. Marion County Election Board, 128 S.Ct. 1610(2008)*;
- A copy of Puerto Rico's Voter Identification Card.

Also here are some sections of the *Puerto Rico Election Code for the 21st Century, Act No. 78 of June 1, 2011* as amended (repealed Act No. 4 of December 20, 1977, as amended, known as the "Puerto Rico Electoral Act.") related to our Voter Identification Card:

Section 6.007. – Registration Application. –

Any person who wishes to be listed in the General Voter Registry shall fill out a sworn registration application, which shall include at least the following

information concerning the applicant:

- (a) Name and both paternal and maternal surnames;
- (b) Names of his/her mother and father;
- (c) Gender;
- (d) Eye color;
- (e) Height;
- (f) Birthplace;
- (g) Date of birth;
- (h) Whether he/she is a citizen of the United States of America;
- (i) Home address;
- (j) Mailing address;
- (k) E-mail address;
- (l) Driver's license number or last four (4) digits of the social security number, exclusively for identification verification purposes and subject to the limitations provided by Act No. 243 of November 10, 2006, known as "HAVA";
- (m) Date and place in which the application is submitted;
- (n) Applicant's signature or mark, or reason wherefor the applicant is unable to do so.
- (o) Signature authentication.

Every voter shall be assigned a unique and permanent voter identification number, which shall be used to identify the voter's file. This number shall be different from the social security number. Social security numbers shall be kept confidential by the Commission pursuant to the provisions of Act No. 243-2006, and the applicable Federal legislation, and shall not be disclosed to third parties except as required by law or the Court.

Every applicant who is a naturalized citizen of the United States shall submit a certificate attesting to his/her naturalization, or a United States passport in effect at the time of registration. In the case that the applicant was born in a foreign country but is a United States citizen, he/she shall submit, at the time of registration, a certificate from the Department of State of the United States of America verifying such facts, or a United States passport in effect. If the person was born in the United States of America, or its territories or possessions, he/she shall submit a birth certificate, passport, or other official document attesting unequivocally to the date and place of his/her birth. Every applicant shall receive a copy of this election-related transaction upon completion of the same, and another copy shall be kept in the Commission's archives.

The Commission shall provide a place to register at the location of the Permanent Registration Board.

Section 6.008. – Errors in Election-Related Transactions. –

The Commission shall provide, through regulations to such effect, the form and means of rectifying or correcting, in the most expeditious manner possible, any error, omission, or discrepancy arising from an election-related transaction.

Section 6.009. – Voter Identification Card. –

The voter identification card shall contain, at least, the date of issue, the voter's name and surnames, gender, eye color, height, and his/her signature or mark, as the case may be, his/her picture, date of birth, voter identification number, and the card's control number. Together with the voter identification card, the Commission shall prepare a file with the data, precinct, and Electoral Unit assigned to the voter. At the time of being issued his/her voter identification card, the voter shall sign the register adopted by the Commission attesting that he/she has received it. The Commission shall keep copies of voter identification cards in a file cabinet in strict alphabetical order, or in an electronic filing system.

Whenever new electronic voting, registration, or affiliation media technologies are adopted, the Commission shall, if necessary, produce and distribute voter identification cards that are compatible with such electronic media, or use current systems that have been structured by the Government of Puerto Rico.

Section 6.010. – Expiration of the Voter Identification Card. –

In case the Commission decides to establish a term during which the voter identification card shall be in effect, it shall be provided through resolution adopted by the unanimous vote of the Election Commissioners. Once said term has elapsed, the card shall be deemed expired for all legal purposes.

The Commission shall disclose the contents of the resolution through the mass media in order to provide adequate orientation to voters on the effective term of their voter identification card and the procedure for the renewal thereof.

In those cases in which the voter identification card expires six (6) months or less before the date of an election, it shall continue to be fully effective up to and including the day in which the election in question is held.

Upon expiration, the voter shall request the issuance of a new voter identification card.

Section 6.011. – Voter Identification Card Picture. –

Every picture taken for the purpose of issuing a voter's identification card shall be deemed a private document, and its use by any Court of Law shall be authorized only for proceedings arising from the commission of an election-related crime. Likewise, it may only be used by the Commission to implement any of the provisions of this Act, or the regulations promulgated thereunder, in connection with the identification of voters.

Except in the aforesaid cases, the Commission shall not show pictures of voters contained in their files to any person who is not related to a political party. It is expressly forbidden to require the presentation of the voter identification card for any public or private purpose that is not election-related. The use of the card is hereby authorized only when voluntarily shown by the voter.

Section 6.012. – General Voter Registry. –

The Commission shall prepare and keep a General Voter Registry of all registered persons in Puerto Rico. Said Registry shall be kept in such a way that information related to voters can be veritably and promptly determined.

The information contained in the General Voter Registry shall be continually updated in terms of the voters' changing circumstances.

All lists of voters entitled to vote in an election shall be prepared based on the General Voter Registry.

If a voter fails to exercise his/her right to vote in a General Election, his/her file in the General Voter Registry shall be inactivated. The Commission may exclude voters from the General Voter Registry on the grounds provided by this Act or established through regulations. The exclusion of a voter shall not entail the elimination of his/her information from the General Voter Registry.

The Commission shall keep at least one (1) true and exact copy of the General Voter Registry in a separate, secure place under its custody and make any necessary modifications to keep it up to date.

Section 6.013. – Reactivations, Transfers, Relocations, and Renewal of the Voter Identification Card. –

The Commission shall establish, by regulation, a system whereby any registered voter may request the reactivation of his/her registration after being inactivated for not voting in a General Election. Likewise, the Commission shall establish a system whereby registrations may be transferred from one precinct to another due to a voter's change in domicile. The procedure to relocate those voters who, due to a change in domicile, request that their registration be relocated from one Electoral Unit to another within the same precinct shall also be established through regulations.

The Commission shall also establish a system whereby voters may request the renewal of their voter identification card if it has expired pursuant to the provisions of this Act, if it has become deteriorated, or if it has been lost. A sworn statement attesting to the circumstances related to the loss shall be included with the request.

Section 9.027. – Voting Procedure. –

Polling places shall open at eight o'clock in the morning (8:00 a.m.) and close at four o'clock in the afternoon (4:00 p.m.).

Members of the Puerto Rico Police and the Municipal Guard who are on duty on Election Day shall vote with priority in their respective polling places.

The voter's identity shall be verified through an examination of his/her personal description in the voter lists and in his/her voter's identification card. If this verification is sufficient to establish the voter's identity, he/she shall sign or make a mark on the line where his/her name is written in the voter list and ink his/her finger with indelible ink.

Once the aforementioned process is completed, and only then, shall the voter proceed to vote by means of a system in which he/she maintains control of the

ballot up to the time of interacting with the electronic voting device and the vote is duly saved. Every voter shall be guaranteed the secrecy of his/her vote.

Immediately after voting, all voters shall leave the polling center.

Polling place inspectors may explain the voting procedure to the voter if he/she requests them to do so. Any other person in a polling place is forbidden to instruct any voter as to the manner of voting.

The Commission shall implement the provisions of this Section through regulations.

Hope that Puerto Rico's election experience can be of help. We wish you the best of success in your case and in the upcoming November 2012 Elections. Hope the Secretary, you and your family enjoyed the island. Have a great time at the NASED 2012 Summer Conferences at Boston. Please stay in touch. Thank you for your time and consideration.

Best Regards,

HSC

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